

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 24, 2001

D036462 Murphy v. MCI Worldcom, Inc.

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D036021 People v. Abney

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., McIntyre, J.

D036144 In re the Marriage of Harris

Reversed. Costs on appeal to Butler. CERTIFIED FOR PUBLICATION. Haller, J.;

We Concur: Kremer, P.J., Benke, J.

**D038589 Elvira E. v. Superior Court of the County of San Diego/San Diego County Health
and Human Services Agency**

The attorney for petitioner Elvira E. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D038693 In re Sheppard on Habeas Corpus

The petition is denied.

D038605 In re Moreno on Habeas Corpus

The petition is denied.

D036162 People v. Romayor

D035973 In re Romayor on Habeas Corpus

(consolidated) Upon filing a written abandonment of appeal and writ, the appeal and habeas corpus are dismissed.

D038692 Holbrook v. Morgan

The appeal is dismissed for failure to pay the filing fee.

D038778 People v. Superior Court of Imperial County/Bueno

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 25, 2001

D034837 People v. Piatek

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

D035512 People v. Green

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D038296 In re Gabbriella N., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Haller, J, O'Rourke, J.

D034624 Whispering Ridge Homeowners Association v. Chaudry

The judgment is reversed insofar as it concerns the nuisance cause of action; the judgment is affirmed in all other respects. The matter is remanded to the trial court for its determination of an award to the Association for attorney fees on appeal. The Association is also awarded costs on appeal. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D035173 People v. Wiggers

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D037803 County of San Bernardino et al. v. Superior Court of San Diego County/
Becker et al.**

The petition is granted. Let a writ of mandate issue directing the superior court to vacate its order denying petitioners' motion for summary judgment, enter a new order granting the motion, and enter a judgment of dismissal in favor of petitioners and against Becker and McCarley. The temporary stay imposed on April 24, 2001, will vacate upon issuance of the remittitur. Petitioners shall recover their costs in this writ proceeding. Nares, J.; We Concur: Kremer, P.J., McDonald, J.

D036662 Philp v. The San Diego County Bar Association

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D034444 People v. Campbell

The judgment is affirmed. Nares, Acting P.J.; I Concur: Haller, J.,
Concurring and Dissenting: McDonald, J.

D037301 People v. Edwards

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037189 People v. Jackson

Judgment affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D037263 People v. White

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 25, 2001 (Continued)

D036723 People v. Taylor

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D036736 People v. Gonzalez

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 26, 2001

D038634 Mark L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Mark L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D037164 White v. National Research Center, Inc., et al.

Upon application of Appellant, and good cause appearing, it is hereby ordered that the attached September 20, 2001 "Order Approving Good faith Settlement and Barring Prosecution of All Claims Against Settling Defendants" is hereby ratified and made an order of this Court. It is further ordered that Appellant's application to dismiss the appeal in these proceedings is granted and the appeal is hereby dismissed.

D032857 People v. Allen

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

D035937 People v. Spain

The matter is remanded to the superior court for the limited purpose of determining the validity of the third charged prison prior, case number SCD101876. If that prior prison term is admitted or found true, the sentence previously imposed shall remain as pronounced. In all other respects, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D038482 Wagner v. Wagner

The appeal is dismissed pursuant to rule 10(c), failure to designate.

D038532 Larry R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Larry R. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Larry R. is dismissed.

D038298 In re S.M., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D038648 In re Dinkins on Habeas Corpus

The petition is denied.

D036769 People v. Lowman

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

D038553 In re Beerbower on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 26, 2001 (Continued)

D037523 In re Lowman on Habeas Corpus

The petition is denied without prejudice.

D035031 People v. Arceo

The sentence is vacated and the case remanded to the trial court for resentencing in accordance with the views expressed in this opinion. In all other respects the judgment is affirmed. Huffman, J.;
We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 27, 2001

D034066 Dym et al. v. Operation Rescue of California

The judgment is reversed. On remand, ORC is entitled to a jury trial so long as it complies with the requirement of Code of Civil Procedure and the California Rules of Court. Each party to bear their own costs. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

D033930 People v. Norcutt et al.

The judgments are affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D038663 Anabel C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Anabel C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D035152 People v. Mejia

The abstract of judgment is ordered modified to delete reference to all of the section 667.5(b) enhancements except the one on which sentence was imposed, and the judgment is otherwise affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D037605 In re Elaina N., a Juvenile

San Diego County Health and Human Services Agency's petition for rehearing and motion to augment the record are denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 28, 2001

D036546 People v. Kelley

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037157 People v. Marquez

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D035218 Trippi v. City of San Diego et al.

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

D036532 People v. Smith

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D038448 In re Richardson on Habeas Corpus

The petition is denied as moot.

D037148 People v. Padilla

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D036766 People v. Lopez

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D038494 Sim J. Harris Company et al., v. Superior Court of San Diego County/Diehl

The petition for writ of mandate Sim J. Harris Co. v. Superior Court (D038494) will be considered at the same time as the appeal Diehl v. Sim J. Harris Co. (D038387). Real party is to file a response to the petition within 15 days of the date of this order.

D038794 San Diego Trolley Inc., et al. v. Superior Court of San Diego County/Kinder

The deposition of Dr. Neil Carey scheduled for Wednesday, October 3, 2001, is stayed pending further order of this court.

Real party shall file a response to the petition on or before October 12, 2001.

D035843 People v. Winters

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038691 In re Mas on Habeas Corpus

The petition is denied.

D038722 Leal v. Superior Court of Imperial County/People

The petition is denied.

D038802 State Farm Fire and Casualty Company v. Superior Court of San Diego County/Caserta et al.

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 28, 2001 (Continued)

D038800 In re Marriage of Chambers

The petition is denied.

**D038471 Wells v. Superior Court of San Diego County/Medimpact Healthcare
Systems, Inc., et al.**

The petition is denied.